

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN AND JANE DOE NO. 1, <i>et al.</i> ,)	
Plaintiffs,)	
)	Case No. 3:22-cv-00337
v.)	
)	Judge: Michael J. Newman
BETHEL LOCAL SCHOOL DISTRICT)	
BOARD OF EDUCATION, <i>et al.</i> ,)	
Defendants.)	
)	
)	

**DEFENDANT-INTERVENOR ANNE ROE’S BRIEF REGARDING
STAY OF PLAINTIFFS’ STATE LAW CLAIM**

On March 3, 2023, this Court issued an Order requiring the parties to brief whether adjudication of Plaintiffs’ state law claim should be stayed until a resolution is reached in a parallel state court action, *State ex rel. Croley v. Bethel Local Sch. Dist. Bd. of Educ.*, No. 22 CV 279 (Miami Cnty. C.P. Ct. July 21, 2022). *See* Order, ECF No. 64.

Although Defendant-Intervenor Anne Roe has offered evidence and argument regarding some aspects of Plaintiffs’ motion for a preliminary injunction, she has no position on the ultimate legal merits of Plaintiffs’ underlying Open Meetings Act claim. Accordingly, she takes no position as to whether that claim should be stayed, whether for the general reasons of comity and fairness noted in the Court’s March 3 Order, or under *Colorado River* abstention doctrine. *See Romine v. Compuserve Corp.*, 160 F.3d 337, 339–41 (6th Cir. 1998) (summarizing and applying the 8-factor inquiry for when a federal court should stay proceedings in light of parallel state litigation); *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817–820 (1976).

Respectfully submitted,

/s/ David J. Carey
David J. Carey (0088787)
ACLU OF OHIO FOUNDATION
1108 City Park Avenue, Ste. 203
Columbus, OH 43206
Phone: 614-586-1972
Fax: 614-586-1974
dcarey@acluohio.org

Freda Levenson (0045916)
ACLU OF OHIO FOUNDATION
4506 Chester Ave.
Cleveland, OH 44103
Phone: 614-586-1972
Fax: 614-586-1974
flevenson@acluohio.org

Malita Picasso*
Aditi Fruitwala*
Rose Saxe*
Arijeet Sensharma*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY
Phone: 212-549-2500
Fax: 212-549-2650
mpicasso@aclu.org
afruitwala@aclu.org
rsaxe@aclu.org
asensharma@aclu.org

Michael D. Meuti (0087233)
David M. Hopkins (0095285)
BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP
200 Public Square, Suite 2300
Cleveland, OH 44114
Telephone: 216-363-4500
Fax: 216-363-4588
mmeuti@beneschlaw.com
dhopkins@beneschlaw.com

**Admitted pro hac vice*

*Counsel for Defendant-Intervenor Anne Roe (a
minor, by and through her legal guardian Joanne
Roe)*

CERTIFICATE OF SERVICE

I, David J. Carey, hereby certify that on this 17th day of March, 2023, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Southern District of Ohio via the ECF system, which will send notification of such filing to all counsel of record.

/s/ David J. Carey